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EXAMINER

ANWAH, OLISA

ART UNIT	PAPER NUMBER
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2645

DATE MAILED: 03/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/932,202

Applicant(s)

ELMAN ET AL.

Examiner

Olisa Anwah

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 19 February 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 1-14, 16, 17, 21-23, 25 and 30 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Sun et al, U.S. Patent Application Publication No. 2002/0160751 in view of Bhogal et al, U.S. Patent Application Publication No. 2003/0002632 (hereinafter Bhogal).

Regarding claim 1, Sun discloses an apparatus for transmitting, receiving and recording two-way conversation data between at least two remote locations (paragraphs 0031 and 0032) comprising a wireless communication device (202, Figure 2); a memory (242, Figure 2) coupled to the wireless communication device for storing conversation data in digital form; a device interface for communicatively coupling the wireless communication device to a remote storage device (120, 106 from

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Figure 1) and sending the stored conversation data to the remote storage device (paragraph 0028).

Sun discloses performing a Hot-Sync type connection (paragraph 0028). Sun also discloses transferring saved audio files locally between memory types or to remote archives as required (paragraph 0042). However Sun does not explicitly teach a user interface configured to download the audio data from the remote storage device to the memory. Nonetheless Bhogal discloses this limitation (see Figure 9, paragraphs 0032-0034 and paragraph 0046). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Sun with the user interface taught by Bhogal. This modification allows the telephone and the remote storage device to be synchronized as suggested by Sun and Bhogal.

Regarding claim 2, see paragraphs 0029 and 0030 of Sun.

Regarding claim 3, see Figure 3 of Sun.

Regarding claim 4, see paragraph 0028 of Sun.

Regarding claim 5, see paragraph 0028 of Sun.

Regarding claim 6, see paragraph 0028 of Sun.

Regarding claim 7, see Figures 5A-J of Sun.

Regarding claim 8, Sun discloses a system (see Figure 1) for managing conversation data occurring between at least two remote locations over a network comprising a wireless

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communication device (see Figure 2); a memory (242, Figure 2) coupled to the wireless communication device for storing the conversation data in digital format; a storage location outside the memory (120 and 106 from Figure 1); an interface between the memory and the storage location for transferring the conversation data from the memory to the storage location (paragraph 0028) and a user interface that allows a user to access the conversation data in the storage location (see Figure 6).

Sun discloses performing a Hot-Sync type connection (paragraph 0028). Sun also discloses transferring saved audio files locally between memory types or to remote archives as required (paragraph 0042). However Sun does not explicitly teach the user interface configured to download at least a portion of the audio data from the remote storage device to the memory. Nonetheless Bhogal discloses this limitation (see Figure 9, paragraphs 0032-0034 and paragraph 0046). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Sun with the user interface taught by Bhogal. This modification allows the telephone and the remote storage device to be synchronized as suggested by Sun and Bhogal.

Regarding claim 9, see Figure 2 of Sun.

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Regarding claim 10, see 316 from Figure 3 of Sun.

Regarding claim 11, see paragraph 0028 of Sun.

Regarding claim 12, see paragraph 0028 of Sun.

Regarding claim 13, see paragraph 0028 of Sun.

Regarding claim 14, see Figures 5A-5J of Sun.

Claim 16 is rejected for the same reasons as claim 8.

Regarding claim 17, see Figures 5A-5J of Sun.

Regarding claim 21, see Figure 6 of Sun.

Regarding claim 22, Sun discloses a system for managing conversations between a first communication device located at a first location and a second communication device located at a second location remote from said first location, said conversations occurring over a network having at least one storage location, wherein at least one wireless communication device can be connected to said network (see Figure 1), comprising a data interface (see paragraph 0028) between said at least one wireless communication device and said at least one storage location for transferring data derived from said conversations from said at least one storage location to said at least one wireless communication device and a user interface (see Figures 5A-J and Figure 6), including at least one user-controllable data management function that allows a user to access said data in said at least one storage location.

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Sun discloses performing a Hot-Sync type connection (paragraph 0028). Sun also discloses transferring saved audio files locally between memory types or to remote archives as required (paragraph 0042). However Sun does not explicitly teach the user interface configured to download at least a portion of the audio data from the remote storage device to the memory. Nonetheless Bhogal discloses this limitation (see Figure 9, paragraphs 0032-0034 and paragraph 0046). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Sun with the user interface taught by Bhogal. This modification allows the telephone and the remote storage device to be synchronized as suggested by Sun and Bhogal.

Regarding claim 23, see Figure 9 of Bhogal.

Regarding claim 25, see Figures 5A-J of Sun.

Regarding claim 30, see Figure 6 of Sun.

3. Claims 15, 18, 26, and 27 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Sun combined with Bhogal in view of Schrader, U.S. Patent No. 6,587,871 (hereinafter Schrader).

With respect to claim 15, Sun discloses the data management functions are selected from the group consisting of linking,

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editing, playback, archiving and deleting (see Figures 5A-J). Bhogal teaches the data management function includes searching (see Figure 9). The combination of Sun and Bhogal fails to disclose the group includes translating and converting the audio data. However Schrader discloses these limitations (column 4). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify the combination of Sun and Bhogal with the limitations taught by Schrader. This modification alleviates the problem of taking handwritten notes in order to remember the details of audio data as suggested by Schrader (column 3).

Regarding claim 18, see column 4 of Schrader.

Claim 26 is rejected for the same reasons as claim 15.

Regarding claim 27, see column 4 of Schrader.

4. Claims 19, 20, 28 and 29 are rejected under 35 U.S.C § 103(a) as being unpatentable over Sun combined with Bhogal and Schrader in further view of Rhee, U.S. Patent No. 5,524,137 (hereinafter Rhee).

Regarding claim 19 the combination of Sun, Bhogal and Schrader does not disclose the translating function is conducted text translation service that converts at least a portion of the



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text data from a first language to a second language. However Rhee discloses this limitation (349 from Figure 3). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify the combination of Sun, Bhogal and Schrader with the translation function taught by Rhee. This modification allows a subscriber to choose between multiple language choices. Hence subscribers of different nationalities may access the same data.

Regarding claim 20, Sun discloses the conversation data is audio data. The combination of Sun, Bhogal and Schrader fails to teach the translating function is conducted by an audio translation service that translates at least a portion of the audio data from a first language into a second language. However Rhee discloses this limitation (see Figure 3). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify the combination of Sun, Bhogal and Schrader with the translation function taught by Rhee. This modification allows a subscriber to choose between multiple language choices. Hence subscribers of different nationalities may access the same data.

Claim 28 is rejected for the same reasons as claim 19.

Claim 29 is rejected for the same reasons as claim 20.

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5. Claim 24 is rejected under 35 U.S.C § 103(a) as being unpatentable over Sun combined with Bhogal in view of Reichmann, PCT No. WO 98/39901 (hereinafter Reichmann).

Regarding claim 24, the combination of Sun and Bhogal does not disclose the computer system is divided into multiple user storage locations such that one of said user storage locations corresponds with an individual user. However Reichmann discloses this limitation (see Figure 4). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify the combination of Sun and Bhogal with the computer system taught by Reichmann. This modification allows for a computer system accessible via the web as suggested by Reichmann.

#### ***Response to Arguments***

6. Applicant's arguments have been considered but are deemed to be moot in view of the new grounds of rejection.

#### ***Conclusion***

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is

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reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Olisa Anwah whose telephone number is 703-305-4814. The examiner can normally be reached on Monday to Friday from 8.30 AM to 6 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on 703-305-4895. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

O.A.  
Olisa Anwah  
Patent Examiner  
February 27, 2004

FAN TSANG  
SUPERVISOR/PATENT EXAMINER  
TECHNOLOGY CENTER 2600

A handwritten signature in black ink, appearing to read 'Fan Tsang', written in a cursive style.